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    PACKAGING SYSTEMS, INC.
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17   UNITED STATES DISTRICT COURT

18   CENTRAL DISTRICT OF CALIFORNIA

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20 FREE-FLOW PACKAGING   2:17-cv-6398 MWF (JCx)
    INTERNATIONAL, INC.,
21   **DEFENDANT AUTOMATED
                Plaintiff,   PACKAGING SYSTEMS,
22   INC.'S APPLICATION FOR
         v.   LEAVE TO FILE UNDER
23   SEAL ITS NOTICE OF
    AUTOMATED PACKAGING SYSTEMS,   MOTION AND MOTION TO
24 INC.,   TRANSFER**

25   Defendant.   Judge: Hon. Michael W.
                                     Fitzgerald
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la-1361797

1   Pursuant to L.R. 79-5, Defendant Automated Packaging Systems, Inc.

2 ("Automated") seeks an Order granting Automated leave to file under seal its

3 Notice of Motion and Motion to Transfer.

4   Under Federal Rule of Civil Procedure 26(c), this Court has discretion to

5 permit sealing of court documents to protect "a trade secret or other confidential

6 research, development, or commercial information." Fed. R. Civ. P. 26(c). Sealing

7 is appropriate where good cause exists, in the case of non-dispositive motions that

8 are tangentially related to the merits of the litigation, and compelling reasons exist,

9 in the case of dispositive motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809

10 F.3d 1092, 1095–1100 (9th Cir. 2016).

11   Under either the "good cause" or "compelling reasons" standard, the Court

12 should permit Automated's Notice of Motion and Motion to Transfer to be filed

13 under seal. These documents contain confidential information that Plaintiff has

14 designated "Confidential—Attorneys' Eyes Only" pursuant to the Protective Order.

15 These documents contain party and third-party confidential information.

16 For example, Automated's Notice of Motion and Motion to Transfer contains

17 statements about Plaintiff's relationship with and identity of its competitors,

18 including licensing information. These statements were made in Plaintiff's

19 memorandum in support of its motion for preliminary injunction and designated as

20 "Confidential- Attorneys' Eyes Only." Plaintiff has represented that this

21 information is highly confidential and must be filed under seal.

22   Further, in the interest of sealing only confidential information, Automated

23 will publicly file a redacted copy of Automated's Notice of Motion and Motion to

24 Transfer. Thus, Automated submits that there are both good cause and compelling

25 reasons to grant this application for leave to file under seal.

26   Pending the Court's consideration of this Application for Leave to File Under

27 Seal, an unredacted version of Automated's Motion to Transfer has been

28 conditionally filed with the Court concurrent with the filing of this Application. A

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1   redacted version of Automated's Motion to Transfer has been electronically filed

2   concurrently with the manual filing of this Application. A proposed order granting

3   this application is filed herewith.

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6   Dated: September 26, 2017   HECTOR G. GALLEGOS
                                          JONATHAN MCNEAL SMITH
7   MORRISON & FOERSTER LLP

8
                                          By:*/s/ Jonathan M. Smith*
9   Jonathan McNeal Smith

10   Attorneys for Defendant
                                              AUTOMATED PACKAGING
11   SYSTEMS, INC.

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